

REMARKS

Claims 29 through 41 are now pending in this application. Claims 20 through 28 have been canceled. Claims 1 through 19 were canceled by a prior amendment.

Claims 29 through 31 and 41 as amended define over the prior art of record by adding anti-ponding lines to an existing road surface. The addition of the term "dry" to the claim is intended to distinguish the claim from the patent of Barton because Barton is intended to be used with new pavement construction. Therefore, Applicant has used the term "dry" to distinguish dry or cured pavement from wet or "green" pavement described by Barton. It is believed that this fundamental difference should be sufficient to distinguish Applicant's invention from the combination of Barton and the article "Overlays on Deck". While "Overlays on Deck" discusses relatively thin resurfacing coatings, it does not discuss anti-ponding lines. Applicant's method allows adding anti-ponding lines to existing pavement without substantially increasing the thickness of the pavement.

Claims 32 through 40 are directed to adding electrical heating elements to an existing road surface. Claim 32 as amended includes the term "dry" when referring to pavement to distinguish Applicant's invention from the patent of Jones which describes adding electrical heating elements to new road construction. Applicant's use of the term "dry" distinguishes existing pavement from wet concrete in new road construction as used by Jones. It would be impossible to use the method of Jones in combination with "Overlays on Deck" to achieve Applicant's claimed invention since Jones requires a substantial layer of concrete as used in

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new road construction to insert electrical heating elements. Furthermore, neither "Overlays on Deck or Jones, alone or in combination, teaches inserting electrical heating elements between two thin layers of polymer modified concrete.

It is respectfully submitted that the subject application is in condition for allowance. Accordingly, Applicant respectfully requests that the subject application be passed to issuance without delay.

It is believed that no fee is due for this submission. Should that determination be incorrect, however, the Examiner is hereby authorized to charge any deficiencies to our Deposit Account No. 13-2759, and notify the undersigned in due course.

Should the Examiner have any questions or wish to discuss further this matter, please contact the undersigned at the telephone number provided below.

Date:

April 28, 2003

Respectfully submitted,



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